

40. (New) A casing fill and circulation apparatus, comprising:
a body having at least one port and a flowpath therethrough, insertable into the casing;
a cup seal on the outer periphery of said body which is engageable with the casing when said body is inserted in the casing; and
a circulation valve mounted to said body, said circulation valve operable by fluid pressure developed against it to selectively access said port.

41. (New) A casing fill and circulation apparatus, comprising:
a body having at least one port and a flowpath therethrough, insertable into the casing;
a cup seal on the outer periphery of said body which is engageable with the casing when said body is inserted in the casing; and
a circulation valve mounted to said body, said circulation valve operable by pressure developed against it to selectively access said port. - -

REMARKS

The present application claims priority back to the filing date of the parent patent in this matter, U.S. Patent No. 5,735,348 which had a filing date of October 4, 1996, and also claims priority from the application which matured as U.S. Patent No. 5,981,673, which had a filing date of May 2, 1997. Fig. 3 of U.S. Patent 5,735,348 is exactly the same as Fig. 3A of the present application, thus providing an entitlement to the Applicants of the entire disclosure related to Fig. 3A all the way back to at least as early as October 4, 1996. Patent No. 5,971,079 was not filed until September 5, 1997. Of interest in this regard, U.S. Patent No. 5,735,348, assigned to the assignee of this present invention, and from which this present application claims priority, was

cited by United States Patent and Trademark Office as a reference against the application which matured into U.S. Patent No. 5,971,079.

Claims 38, 39, and 40 which are being added herein, are exact copies of claims 1, 10 and 19, respectively, of U.S. Patent No. 5,971,079. Newly-added Claim 41 is identical to Claim 40 which is newly-added, with the exception that "fluid pressure" has been changed merely to "pressure".

The requirements of 37CFR 1.607 require the following action by the applicant seeking to have an interference declared:

1. Identifying patent. This is been done as identifying Patent No. 5,971,079.
2. Presenting a proposed count. The proposed count is newly-added Claim 41.
3. Identifying at least one claim in the patent corresponding to the proposed count.
Newly-added Claim 41 substantially corresponds to Claim 19 of U.S. Patent No. 5,971,079.
4. Applying the terms of any application claim.

(i) Identified as corresponding to the count. This requirement is satisfied as follows:

a body (mandrel 19 of Fig. 3A of the application) having at least one port (ports 19C of Fig. 3A) and a flowpath therethrough (flowpath 19A of Fig. 3A), insertable into the casing (casing 32 of Fig. 3A);

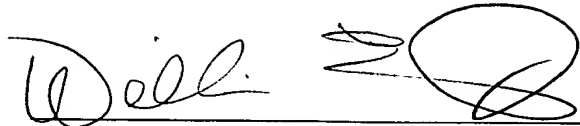
a cup seal (packer cup 30A of Fig. 3A) on the outer periphery of said body (mandrel 19 of Fig. 3A) which is engageable with the casing (casing 32 of Fig. 3A) when said body (mandrel 19) is inserted in the casing (casing 32 of Fig. 3A); and

a circulation valve (sleeve 26 of Fig. 3A) mounted to said body (mandrel 19), said circulation valve (sleeve 26) operable by pressure developed against it to selectively access said port (ports 19C of Fig. 3A). The pressure developed against the circulation valve results from the spring 25 of Fig. 3A creating a bias against the sleeve 26 such that in the fill-up mode, the sliding sleeve 26 covers the mandrel apertures 19C (page 18, lines 12-14 of the Applicant's specification). When it is desired to open the ports 19C, a further downward force is exerted on the tool 46 by lowering the assembly from traveling block 1. This causes spring 25 disposed about the exterior of mandrel 19 to become compressed between top collar 24 and flange portion 26A on the sliding sleeve. The downward force causes the mandrel 19 to move vertically downward with respect to the sliding sleeve 26 thereby exposing the lower end of the mandrel 19 and the apertures 19C formed therethrough (page 23, lines 9-14 of the Applicants' specification).

- (ii) Not previously in the application to the disclosure of the application. The newly-added Claim 41 has not previously appeared as a claim.

The Applicants respectfully request that an interference be declared between Claims 38-41 of the present application, and claims 1, 10 and 19, of U.S. Patent No. 5,971,079 and that claim 41 be used as the count in such interference.

Respectfully submitted,

The block contains a handwritten signature that appears to read "Will." followed by a large, stylized circular mark or stamp.

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